

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:06CR3127
Plaintiff,)	
)	
v.)	USM No: 21072-047
)	
LYNNDARRELL FONTAINE BERRY SR.,)	<u>DAVID R. STICKMAN</u>
Defendant.)	Defendant's Attorney
Date of previous judgment: 3/16/2007)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 70 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>25</u>	Amended Offense Level: <u>23</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>84</u> to <u>105</u> months	Amended Guideline Range: <u>70</u> to <u>87</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

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The reduced sentence is within the amended guideline range.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated March 16, 2007 shall remain in effect.

Filings 38 and 46 are granted as provided herein.

IT IS SO ORDERED.

Dated this 6th day of May, 2008

Effective Date: Tuesday, May 6, 2008

S/Richard G. Kopf
United States District Judge